

**IN THE DISTRICT COURT OF THE VIRGIN ISLANDS
DIVISION OF ST. CROIX**

JOHNNY MARTINEZ
Petitioner,

v.

Case No. 1:13-cv-102

KEITH FRANCOIS, Warden Of The Golden Grove:
Correctional Facility; JULIUS WILSON, Director Of :
The Virgin Islands Bureau of Corrections; :
TERRITORY OF THE VIRGIN ISLANDS; :
and RANDALL MATHENA, Warden of the Red :
Onion State Prison, :
Respondents. :
_____ :

MOTION TO EXPEDITE PRELIMINARY REVIEW

COMES NOW, JOHNNY MARTINEZ, by and through his undersigned counsel, pursuant to the Rules governing habeas cases, moves this Court for an order expediting review of the Petitioner's § 2241 Petition. In support thereof the Petitioner states as follows:

This is a habeas corpus action brought by a territorial prisoner under 28 U.S.C. § 2241. Promptly after the filing of a Habeas Petition, the Court must undertake a preliminary review of the Petition to determine whether "it plainly appears from the petition and any attached exhibits that the petitioner is not entitled to relief in the district court." Rule 4, Rules Governing Section 2254 Cases; *see* 28 U.S.C. § 2243.¹ If so, the Petition must be summarily dismissed. Rule 4; *see Allen v. Perini*, 424 F.2d 134, 141 (6th Cir. 1970) (district court has the duty to screen out petitions that lack merit on their face). However, "[i]f the petition is not dismissed, the judge must order the respondent to file an answer, motion, or other response within a fixed time, or to take other action the judge may order." Rule 4.

In this action the Petitioner filed his Petition on November 1, 2013. Doc. # 1. The Territorial Respondents' attorney filed her appearance on November 26, 2013. Doc. # 11. And the

¹ The Rules Governing Section 2254 cases also may be applied to habeas-corpus actions filed under section 2241. *See* Rule 1(b), Rules Governing Section 2254 Cases.

Warden or Red Onion State Prison was served with the Petition on February 5, 2014. Doc. # 18. Given that the Petitioner has alleged that is confinement in Red Onion State Prison is in violation of the law and Constitution of the United States of America, this Court must under Rule 4 “promptly examine” his Petition. Accordingly, the Petitioner requests that this Court examine the Petition and make the decision to either dismiss the Petition or order the Respondents to file a responsive pleading.

WHEREFORE, the Petitioner requests that this Court grant him with the relief requested herein.

Respectfully Submitted,

Dated March 14, 2014

By: _____
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing was filed on ECF on March 14, 2014, and a NEF will be delivery upon the following:

Tiffany V. Monroe, Esq.
Assistant Attorney General
Department of Justice
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A copy of the foregoing will be provided via USPS to:

Senior Assistant Attorney General Richard C. Vorhis
Office of the Attorney General
900 East Main St.
Richmond, VA 23219

Respectfully Submitted,

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